



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

September 5, 2013

Justin Wayment
51 East 400 North, Bldg. 1
Cedar City, UT 84721

Dear Mr. Wayment:

The state engineer issued the attached instructions to the Beaver River Commissioner on June 26, 2013 regarding distribution of the Lower Beaver River. The river is being distributed under the 1931 Beaver River Decree which allows for turns to be taken when the flow is otherwise too small for practical irrigation purposes (Paragraph XX). We understand that your clients claim they have not agreed to operate on turns this year, but this is an operational procedure that is wholly within the discretion of the state engineer to implement. Currently, the direct flow users are taking their turns, after which Rocky Ford will be permitted to take its turn. The accounting under this turns system is posted online and updated periodically.

It is projected that some of the direct flow ditches' turns will be completed during this month. Please be advised that some direct flow ditch turns may end earlier than others based on the accounting of water taken into each individual ditch. In spite of the commissioner's best efforts to divide the water among the direct flow users according to their rights, monitoring has indicated that this has not always been achieved. Specifically, the Barton, Emmerson, and South Ditches appear to be close to the end of their turns and will be shut off shortly.

I would like to remind you that we have recently issued orders to the direct flow users to install stilling wells on their measuring devices. This work must be done in order for telemetry to be installed. The August 19, 2013 deadline for completing this work has passed and thus far the work has not been completed. Though there may have been difficulties in meeting the deadline, the Division's distribution experience in recent years makes it clear a change in practice must occur. I believe the most effective solution will be the installation of telemetry and the Division is offering to bear a substantial portion of the cost of installation if the water users will install stilling wells. Alternatively, the commissioner could lock head gates during the irrigation season and increase site visits. Those options will cause greater operational disruption and distribution cost but will of necessity be invoked next year if the water users are unwilling to participate cooperatively in a telemetry system. We anticipate installing the automation beginning about November 1, 2013, and if the stilling wells are not in place by that time the offer of financial assistance to solve this problem will be withdrawn. We are taking a firm position that water may not be diverted in 2014 unless better control and measurement is in place.

We understand that the Lower Beaver River is in its second consecutive dry year and that the shortage of water is resulting in hardships to various water users. We urge all water users to be

cooperative and to comply with state engineer orders and water right statutes as we distribute water on the Beaver River.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent Jones', with a stylized flourish extending from the end.

Kent Jones, P.E.
State Engineer

cc:

Steve Gale
Beaver River Commissioner
PO Box 855
Beaver, UT 84713

Steven Bradshaw
PO Box 655
Beaver, UT 84713

Bruce Brown
PO Box 431
Beaver, UT 84713

David Edwards
PO Box 140
Beaver, UT 84713

Tavish Edwards
PO Box 1818
Beaver, UT 84713

Dale Gubler
3085 Somerset Lane
Santa Clara, UT 84765

Eric Jessup
HC 74 Box 5113
Adamsville, UT 84731

Floyd Yardley
PO Box 107
Beaver, UT 84713



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

June 26, 2013

Steve Gale
Beaver River Water Commissioner
PO Box 855
Beaver, UT 84713

RE: Distribution on the Beaver River below Patterson Dam

Commissioner Gale:

Thank you for your continuing work and dedicated effort in distributing water on the Beaver River. We know there are difficult issues you are dealing with. The purpose of this letter is to give you instructions regarding distribution on the lower river below Patterson Dam for the remainder of 2013.

In order to allow for the most efficient and equitable use of water under the various water rights, a turns system will need to be implemented for the remainder of the year. To accomplish this the following processes and procedures are to be immediately implemented:

- The direct flow users' will get a single turn which begins on the date of this letter. During the duration of their turn, the direct flow users shall have the right to divert all water above Furnace Dam.
- With the assistance of division staff, you will choose a cut-off date that represents the end of the direct flow users' turn and the beginning of Rocky Ford's turn. Rocky Ford's turn will last until October 31, 2013. The cut-off date will be chosen to equitably divide the water according to the rights of the direct flow users and Rocky Ford.
- In accounting for water under this system, any water diverted by the direct flow users in excess of their rights will be credited to Rocky Ford. Any water foregone by the direct flow users will be charged to Rocky Ford. Accounting is to be done on a daily basis through October 31, 2013 and begins on the date of this letter.

These processes and procedures apply only to 2013. Diversions shall commence in the spring of 2014 according to the priority schedule based on the 1931 Beaver River Decree unless an agreement is in place at that time. If you have any questions regarding these instructions, please contact Jared Manning or Kurt Vest.

Sincerely,

Kent Jones, P.E.
State Engineer

BIRD CLAYTON FOR

